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Our File: 88265-4040

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

METHOD AND SYSTEM OF SETTING AND/OR CONTROLLING OF A FOOD PRODUCT DISPENSING MACHINE USING A TAG-TYPE COMMUNICATION DEVICE

and for which a patent application

- ☒ which is identified by Winston & Strawn Docket No. 88265-4040
- ☒ which was filed on July 3, 2001 as Application No. 09/898,255

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION				
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
			YES <input type="checkbox"/>	NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

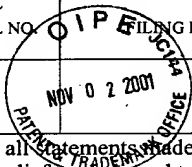
PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States applications(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of




* for use only when the application is assigned to a company, partnership or other organization.

this application:

NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME THOMAS	FIRST NAME KEVIN	MIDDLE NAME R.	
	RESIDENCE & CITIZENSHIP	CITY New Milford	STATE OR FOREIGN COUNTRY Connecticut		COUNTRY OF CITIZENSHIP US
	POST OFFICE ADDRESS	STREET 16 Bayberry Lane	CITY New Milford	STATE OR COUNTRY Connecticut	ZIP CODE 06776
	SIGNATURE OF INVENTOR 201 			DATE 08/21/01	
2 0 2	FULL NAME OF INVENTOR	LAST NAME CARDWELL	FIRST NAME DONALD	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY New Milford	STATE OR FOREIGN COUNTRY Connecticut		COUNTRY OF CITIZENSHIP US
	POST OFFICE ADDRESS	STREET 42 Old Park Lane Road	CITY New Milford	STATE OR COUNTRY Connecticut	ZIP CODE 06776
	SIGNATURE OF INVENTOR 202 			DATE 20 AUGUST 2001	
2 0 3	FULL NAME OF INVENTOR	LAST NAME HU	FIRST NAME RUGUO	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY New Milford	STATE OR FOREIGN COUNTRY Connecticut		COUNTRY OF CITIZENSHIP China
	POST OFFICE ADDRESS	STREET 11 Concord Way	CITY New Milford	STATE OR COUNTRY Connecticut	ZIP CODE 06776
	SIGNATURE OF INVENTOR 202 			DATE 20 August 2001	



H-76 6843/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kevin THOMAS et al.

Application No.: 09/898,255

Group Art Unit:

Filed: July 3, 2001

Examiner:

For: METHOD AND SYSTEM OF SETTING
AND/OR CONTROLLING OF A FOOD
PRODUCT DISPENSING MACHINE USING A
TAG-TYPE COMMUNICATION DEVICE

Attorney Docket No.: 88265-4040


**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) of WINSTON & STRAWN (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith. Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone (212) 294-3311, facsimile (212) 294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording. The undersigned has reviewed this assignment and, to the best of his knowledge, title is in the assignee seeking to take action in this application and that he is empowered to act on its behalf.

Signature: NESTEC S.A. 

Typed Name: Roman Vuille, Ph.D.

Position/Title: Assistant Vice-President

Address: Avenue Nestle 55
CH-1800 Vevey, Switzerland

Date: August 13, 2001

ASSIGNMENT

COPY

WHEREAS, we,

Kevin R. THOMAS, a citizen of the United States, residing at 16 Bayberry Lane, New Milford, Connecticut 06776;

Donald CARDWELL, a citizen of the United States, residing at 42 Old Park Lane Road, New Milford, Connecticut 06776; and

Ruguo HU, a citizen of China, residing at 11 Concord Way, New Milford, Connecticut 06776.

ASSIGNORS, are the inventors of the invention in **METHOD AND SYSTEM OF SETTING AND/OR CONTROLLING OF A FOOD PRODUCT DISPENSING MACHINE USING A TAG-TYPE COMMUNICATION DEVICE**, for which we have executed an application for a Patent of the United States

- ☐ which is executed on even date herewith
- ☒ which is identified by Winston & Strawn Docket No. 88265-4040
- ☒ which was filed on July 3, 2001, as Application No. 09/898,255

and **WHEREAS**, **NESTEC S.A.**, a Swiss corporate body having a place of business at Avenue Nestlé 55, CH-1800 Vevey, Switzerland, **FIRST ASSIGNEE** is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application in the United States;

and **WHEREAS**, **SOCIÉTÉ DES PRODUITS NESTLÉ S.A.**, a Swiss corporate body having a place of business at P.O. Box 353, 1800 Vevey, Switzerland, **SECOND ASSIGNEE**, is desirous of obtaining our entire right title and interest to file corresponding international patent applications in all other countries.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said **ASSIGNORS**, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, (1) unto the said **FIRST ASSIGNEE**, its successors, legal representatives and assigns, our right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and (2) unto the said **SECOND ASSIGNEE**, its successors, legal representatives and assigns our right, title and interest in to and under all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries other than the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under

the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said FIRST OR SECOND ASSIGNEE, as appropriate, or its successors, legal representatives and assigns, in accordance with the terms of this instrument;

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith;

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said FIRST and SECOND ASSIGNEES or, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date 08/21/01, 2001 [Signature]
Kevin R. Thomas
State of Connecticut
County of Litchfield) SS: New Milford

On August 21, 2001, before me, Dawn E. Hosford
Notary Public, appeared Kevin R. Thomas, to me known and known to me to be the person of that name, who signed the foregoing instrument, and acknowledged the same to be his/her free act and deed.

Date August 21, 2001 Dawn E. Hosford
Notary Public

Subscribed and Sworn to before me, a Notary
Public, in and for County of Litchfield
and State of Connecticut, this 21st day of
August, 2001
Dawn E. Hosford
Notary Public
My Commission Expires October 31, 2034

Subscribed and Sworn to before me, a Notary
Public, in and for County of Litchfield
and State of Connecticut, this 20th day of
August, 2001

Dawn E. Hosford
Notary Public

My Commission Expires October 31, 2004

Date 20 August, 2001

Donald Cardwell

Donald Cardwell

State of Connecticut

SS: New Milford

County of Litchfield

On August 20, 2001, before me, Dawn E. Hosford
Notary Public, appeared **Donald Cardwell**, to me known and known to me to be the person
of that name, who signed the foregoing instrument, and acknowledged the same to be his/her
free act and deed.

Date August 20, 2001

Dawn E. Hosford
Notary Public

Date 20 August, 2001

Ruguo Hu

Ruguo Hu

State of Connecticut

SS: New Milford

County of Litchfield

On August 20, 2001, before me, Dawn E. Hosford
Notary Public, appeared **Ruguo Hu**, to me known and known to me to be the person of that
name, who signed the foregoing instrument, and acknowledged the same to be his/her free act
and deed.

Date August 20, 2001

Dawn E. Hosford
Notary Public

Subscribed and Sworn to before me, a Notary
Public, in and for County of Litchfield
and State of Connecticut, this 20 day of
August, 2001

Dawn E. Hosford
Notary Public

My Commission Expires October 31, 2004